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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,404	04/02/2001	Peter Kassan	P/1318-134	8833
2352	7590	11/18/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,404	KASSAN ET AL.	
	Examiner	Art Unit	
	Sana Al-Hashemi	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed 8/29/05.
2. Claims 1-28 were amended. No claims were added. None were canceled.
3. Claims 1-28 are pending.
4. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrington (US Patent No. 5,895,454).

Regarding Claim 1, Harrington discloses an asset tracking, managing and servicing system, comprising:

a user-referenced subsystem including, for each of a plurality of users, a respective asset and relationship tracking repository database operable to store data records relating tin user-based asset or user based information, and further including a records associator and a request processor (Fig. 2, item 32, Harrington) ;

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a plurality of at least one of a service and product, vendor-referenced, databases comprising at least one of a service and product, vendor-referenced data records which constitute data records describing vendor-referenced services or products, the at least one of a service and product vendor-referenced data records comprising at least one of service and product information (Col. 5, lines 63-67, Fig. 2, item 36, Harrington) ; and

a control and communication subsystem which is a control and commemoration subsystem and that causes interactions between asset and relationship tracking repository data records that are user-referenced and the at least one of a service and products vendor-referenced data records that are vendor-referenced, in a manner that creates current user information, including via interactions initiated by vendors and enables tracking the user-based assets and managing servicing for the user-based assets for each of the plurality of users (Fig. 1, Col. 2, lines 26-47, Harrington).

Regarding Claim 2, Harrington discloses a system further including a facility associated with the user-referenced subsystem which groups selected items from the asset and relationship tracking repository data records into groups of records (Col. 5, lines 35-37, Harrington).

Regarding Claim 3, Harrington discloses a system in which the asset and relationship tracking repository data records (Col. 4, lines 39-42, Harrington).

Regarding Claim 4, Harrington discloses a system in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: warranties; periodic maintenance; payment schedules; payment history; proof of ownership of assets; proof of purchase; product recall data; tax related information; installment payment dates;

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expiration dates; renewal dates; expenditure history; and next mandated maintenance date (Col. 4, lines 46-50, Harrington).

Regarding Claim 5, Harrington discloses a system in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: time and date of transactions; vendor; personal data of purchaser; addressing information of recipient; personal demographic information about purchaser or recipient; generic description of an asset; contract terms and conditions: entity purchased from; and contact information (Col. 4, lines 35-65, Harrington).

Regarding Claim 6, Harrington discloses a system in which the data items also include transaction type information including purchase, rental, lease, and contract siring (Col. 4, lines 35-65, Harrington).

Regarding Claim 7, Harrington discloses a system in which the user-referenced subsystem further includes a security controller (Col. 5, lines 52-55, Harrington).

Regarding Claim 8, Harrington disclose a system in which the security controller is operable to set a variety of authorization levels that determine and select those asset and relationship tracking repository data records to which the request processor shall have access (Col. 6, lines 31-36, Harrington).

Regarding Claim 9, Harrington discloses a system in which the authorization levels are based on criteria selected from a criteria group that consists of: a user identifier; a requestor personal identification number; type of access rights granted; data that pertains to assets associated with a requestor; transaction code; asset and relationship tracking repository data record category; and vendor class (Col. 6, lines 31-36, Harrington).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington (US Patent No. 5,895,454) in view of Barlow et al (Barlow hereinafter)(US Patent No 6,038,551).

Regarding Claim 10, Harrington discloses the accessing the data by different level of users which inherently disclose the use of encrypting and decrypting data and to expedite prosecution examiner present a secondary Barlow at Col. 17, lines 17-24, Fig. 9, item 186, teaching clearly discloses the data records are encrypted. It would have been obvious to one of

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ordinary skill in the art at the time of the invention was made to use encrypt the data records.

Skilled artisan would have been motivated to incorporate the teaching of Barlow in the Harrington system to provide a level of security and to protect the data stored in the system specially the financial information.

Regarding Claim 11, Harrington in view of Barlow discloses a system the asset and relationship tracking repository data records including personal preference information (Col. 5, lines 48-51, Harrington).

Regarding Claim 12, Harrington in view of Barlow discloses a system in which the security controller enables communication via a trusted agent (Col. 12, lines 15-25, Barlow).

Regarding Claim 13, Harrington in view of Barlow discloses a system in which the request processor includes a facility that enables the user-referenced subsystem to respond to unsolicited requests for detailed information about assets (Fig. 3, item 80, Barlow).

Regarding Claim 14, Harrington in view of Barlow discloses a system in which the request processor receives a request for information from remote computing facilities (Col. 16, lines 15-20, Barlow).

Regarding Claim 15, Barlow discloses a system in which the request processor assigns a unique transaction number to each request (Col. 11, lines 63-66, Barlow).

Regarding Claim 16, Harrington in view of Barlow discloses a system in which the request processor develops a history of transactions (Col. 12, lines 15-23, Barlow).

Regarding Claim 17, Harrington in view of Barlow discloses a system in which the records associator is a facility that automatically establishes associations between asset and

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relationship tracking repository data records of various types, based on a set of criteria (Col. 4, lines 12-22 Harrington).

Regarding Claim 18, Harrington in view of Barlow discloses a system in which the records associator tentatively establishes associations at the time a transaction is made (Col. 4, lines 46-50, Harrington).

Regarding Claim 19, Harrington in view of Barlow discloses a system including an inference engine and in which the criteria for the records associator are developed by the inference engine which is a software component of the records associator that analyzes consumers transactions as they occur, to derive likely associations (Col. 4, lines 35-41, Harrington).

Regarding Claim 20, Harrington in view of Barlow discloses a system further including a user rule facility which is referenced by the records associator to develop rules of association (Col. 4, lines 39-42, Harrington).

Regarding Claim 21, Harrington in view of Barlow discloses a system further including an editor or viewer in the user-referenced subsystem through which users access the asset and relationship tracking repository data records for the purposes of editing and viewing the same (Fig. 4, Barlow).

Regarding Claims 22, and 23, Harrington in view of Barlow discloses a system further comprising an individual best coordinator, which is a process that provides decision support to a user based on a current transaction and current assets in the user's asset and relationship tracking repository database (Col. 12, lines 12-16, Barlow).

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Regarding Claim 24, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on a user's computer (Fig. 2, items 27-28, Harrington).

Regarding Claim 25, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on the Internet (Fig. 1, Harrington).

Regarding Claims 26, 27, and 28, Harrington in view of Barlow discloses a system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on a private database located outside of the user's individual computer (Fig. 1, items 10, 11, and 13, Harrington).

Response to Arguments

Applicant argue that the prior art of record does not discloses the “tracking user-based asset”.

Examiner disagrees. The Harrington at column 4, lines 35-50 discloses a method of monitoring the user activity which in other words tracking asset, although the “tracking” was disclosed in the preamble and not in the body of the claim, wherein the preamble carries no patentable weight during the persecution of a claimed invention.

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Point Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi
Patent Examiner
Technology Center 2100
November 15, 2005